

jected to vilification, but Judge Harrison overruled his motion.

Mr. Meredith's Reply.

Tired and apparently weak, Mr. Meredith made his answering statement. "We hope to draw a distinction between the article as written," he said, "and the Common Law construction of its meaning. The alleged libel will be determined by the law on the case. A private individual has a right to protection as an individual, but a public officer puts himself in the position of a challenger, and he is properly a subject of criticism. A deduction from fact, the law views with the greatest liberality. Every man has a right to his opinion, whether it coincides with yours and mine or not. It is one of the safeguards of liberty that public officers may be discussed and criticized. And there is a big difference between making an act and in drawing a conclusion from an act. There is much difference as to the classes of malice, implied malice or malice in fact, and in this case malice must be proved beyond a reasonable doubt. In expressing an opinion, all that we must do is to prove that the facts were capable of warranting the deduction.

"In this article there is no charge of corruption, of receiving money, of words 'corrupt alliance' as used on stated facts. We will prove that objectionable houses are allowed to exist by their knowledge, and that the conclusions drawn were justified. If we show this illegal recognition, there is in that sense a 'corrupt alliance'."

The day was far advanced when Mr. Manning was placed on the stand as the first witness. The courtroom then had become crowded, among the spectators being Rev. Tilden Scherer, who has been helping Yoder in his campaign for a fund to defray the expenses of his trials. Clyde W. Saunders, who last week won his suit against the Williams Printing Company and Yoder, was also present.

Read Yoder's Articles.

Mr. Manning was put through the usual formal inquisition, and the alleged inflammatory article, claiming "corrupt alliance" with the Police Department," was read to the jury. Then Yoder's published letter to the Mayor, in which the writer called the attention of the Mayor to alleged violations of the liquor law in objectionable residences, and in which he said the police were instructed to see these places were closed, was read, and there followed the reading of articles innumerable. Mr. Meredith objected time and again. Most of those attempted were read, and the reading or few not closely enough relevant were ruled out by the court.

In his articles Yoder asked why the "guilty parties" of the Virginia-Carolina Chemical Company were not prosecuted for committing a nuisance with the smoke from their works, whether the city was to pay to be cleaned on the force, and in his cartoon of money bags, with the Mayor and commissioners dancing around, "who pays the fiddler?" To the objections of Mr. Meredith at the reading of some of these articles, Mr. Smith replied that he wanted to prove Yoder's general state of mind, his animus and his recklessness. The court ruled that the articles to be read must include libels against the police. Mr. Smith said that the authorities were afraid of what would be printed, as the pamphlet had evidence to show that Councilmen and other officers were interested in protecting illegal houses. Another published fourteen days after the warrant issued on which the warrant was issued, stated that the acts of public officials may be put before the public, and that even false statements are not libel. Still another "reiterates for the destruction of Mr. Smith (of course) the corrupt alliance between the police and the police exists."

Borrowed From Atkinson.

After a rather wearisome reading of many publications, questioning of Mr. Manning was begun. Mr. Smith asked him if his name had been blotted out of one of the periodicals, and why, but the court ruled out the question. Mr. Manning repeated Yoder's testimony in the trial for civil damages in the manner of the pamphlet coming to Richmond, how Mr. Marshall Atkinson had been to Lynchburg to see Yoder, lent him money and allowed him to board in the Park Hotel and to rent a room there when he monotonous.

Mr. Smith attempted to bring out a conversation between Atkinson and Manning as to the conduct of the pamphlet, in which the latter expected the prosecution said he could show that Atkinson had done things. But the court "do central the question and answer on the ground that the defendant was not present at the time. The history of the Sophie Malloy and Yoder having Lee trials was rehearsed, the sentence of the Malloy woman was lighter than that of the negro woman. Mr. Manning stated that Sophie Malloy bore a reputation of running a speakeasy, and had been convicted for a number of times, but that there had been no proof that she had sold to Fairbank and Conway.

The prosecution brought out the fact that the Malloy woman had been arrested for running a disorderly house and sent to jail for a short time, and that she had been charged with a jail sentence without knowledge of the law.

No Pull With Manning. "It is stated," said Mr. Smith, "that the Malloy woman's sentence was made lighter because of the pull of the money power. Has she any pull with the commissioners?" "Not with this commissioner," replied the witness emphatically. Then he was asked to describe the positions occupied by himself and Commissioner Gordon at the trial of the woman.

"I occupied T. H. Ellett's chair beside Judge Crutcher," said the witness, "and Mr. Gordon was on my right. I never opened my lips to Justice Crutcher on that occasion, and I would not dare to discuss any case with him, and never have done it. Mr. Gordon did not stay there till the trial was completed, nor did he have any conversation with the Police Justice."

Replying to Yoder's charge of combination, Mr. Manning said that he had not spoken to Gilbert Pollock for some

A Beautiful Face

It is What All Women Desire.

Miss Doris Hansen, 1310 State Street, Richmond, Va., writes that "a beautiful face is what all women desire, but what woman can be beautiful with her face covered with pimples and blotches? You ask, 'What can we do to prevent the pimples and blotches appearing on our faces?' Take Hood's Sarsaparilla. It will soon give you a clear, soft skin. My mother and brother have used Hood's Sarsaparilla for impure blood, and cannot speak too highly of it."

Get Hood's Sarsaparilla to-day. In usual liquid form or tablets called Sarsaparilla.



The two-piece suit. The double-breasted suit. The long overcoat and every other style for boys.

Here's the chance to pick up a lot of bargains before stock taking.

In a few weeks our Spring goods will need the room.

Now is your chance to save dollars!

SUITS, COATS AND REEFERS Formerly \$5.50 and \$4.00, at.....\$2.75 Formerly \$5.00 and \$4.00, at.....\$3.50 Formerly \$7.50 and \$6.00, at.....\$4.75 Formerly \$8.50 and \$7.00, at.....\$5.75 Formerly \$10.00 and \$11.00, at.....\$6.75 Formerly \$12.00 and \$13.00, at.....\$7.75

Coats and reefers for girls, same way.

O.H. Berrus & Co. MEN & BOYS' OUTFITTERS

time, and denied emphatically that there was any protection of the Malloy woman.

"Was there any evidence that the Malloy woman kept an objectionable house?" asked Mr. Smith.

Mr. Meredith objected, saying that the witness could not render a judicial opinion. The court ruled that it was a question of fact, not of opinion, and the question stood.

"No, sir," answered Mr. Manning. "I do not," continued the commissioner, "in reply to the charge of missioner."

It was nearly 6 o'clock, and on Mr. Smith's motion court was adjourned to 10 o'clock this morning. Mr. Manning will be placed on the stand again, and there are numerous other witnesses to be heard.

In the Police Court Yoder was convicted and sentenced to fifteen days in jail, from which verdict he appealed.

LOCAL LAWYERS

INDORSE WADDILL

Majority of Members of Local Bar Would See Him on Higher Bench.

The lawyers of Richmond, with practical unanimity, have endorsed Judge Edmund Waddill, Jr., for the position of United States circuit judge, in the event that office is created under the present administration. One hundred and eighty-seven of the practicing lawyers in the city have signed a petition directed to the President, asking that the distinguished district judge be elevated to the higher place. Of those who have not signed, many have been representatives of the Virginia bar, and it is understood, however, that there is practically no local lawyer who is not willing to stand behind Judge Waddill.

Aside from his indorsement in Richmond, Judge Waddill is firmly supported by the legal fraternity in Petersburg, Hampton, Newport News and other cities and counties. In Norfolk, where Judge Waddill is said to be very popular, the bar association prohibits its members from indorsing any candidate, but assurances have been received here that lawyers in the seaside city are especially cordial to the district judge.

Those most interested in Judge Waddill's appointment are expected to be unfortunate to start a discussion as to who may or may not be best suited to the judgeship, as the effect of this may be to cause the President to go to some other State for an appointee, whereas Virginia justly deserves the honor of having a circuit judge.

It is recognized that the bench of the proposed new circuit. Judge Waddill declined yesterday to say anything.

THE WEATHER

CONDITIONS YESTERDAY.

Forecast: Virginia—Increasing cloudiness; cloudy; rain or snow Friday night and Saturday; moderate northwesterly breeze.

North Carolina—Increasing cloudiness, followed by rain by night Saturday; rain; increasing northeasterly and cold winds.

8 A. M. temperature..... 32

Humidity..... 70

Wind direction..... Northwest

Wind velocity..... 2

Weather..... Clear

Rainfall..... 0.00

12 noon temperature..... 42

Cloudiness..... 5

3 P. M. temperature..... 45

Maximum temperature up to 5

March 1..... 45

Minimum temperature up to 5

P. M. temperature..... 32

Mean temperature..... 38

Normal temperature..... 38

Deficiency in temperature to-day..... 1

Deficiency in temperature since March 1..... 4.37

Accum. excess in temperature since January 1..... 1.50

Deficiency in rainfall since March 1..... 7.57

Accum. deficiency in rainfall since January 1..... 29

CONDITIONS IN IMPORTANT CITIES.

Place..... Ther. H. T. Weather.

Charlotte..... 42 46 Clear

Mobile..... 58 58 Cloudy

Charleston..... 48 50 P. cloudy

Jacksonville..... 52 60 Rain

New Orleans..... 52 60 Clear

Atlanta..... 42 48 Clear

MINIATURE ALMANAC.

February 11, 1910.

Sun rises..... 7:06

Moon sets..... 5:07

Moon sets..... 6:14

Evening..... 5:14

LOWRY FOR REARNS RENEWAL OF BOND

Fact Indicates That Collector of Internal Revenue Will Retain Position.

LUCE A DEPUTY MARSHAL?

Major Enright Likely to Be Appointed Special Agent by Government.

All doubt as to who will hold the position of Collector of Internal Revenue for the Atlantic district of Virginia was practically dispelled yesterday, when Collector Mr. K. Lowry mailed to the department his bond covering his responsibility for disbursements in the office. The bond is the final security required from Mr. Lowry under the law of the office, which began December 1, 1909.

It is understood that Mr. Lowry has assurances that he will retain the position, and that John G. Luce, who applied for the collectorship, has been offered the position of deputy marshal at Richmond, under the revenue collector, Charles G. Smithers. Mr. Luce was non-committal when asked about the appointment, but it is said he refused to discuss the question because of the fact that he will not finally decide until he is officially notified of the attitude of President Taft in regard to the office of collector of revenue.

Enright Stated for Place.

Royal E. Cabell, United States Commissioner of Internal Revenue, was in Richmond yesterday morning, and while he held several conferences, he may remove Mr. Lowry if he desires, but it is said that the present collector, in accordance with the law, and that if Mr. Luce accepts an appointment under the marshal the matter will be settled once and for all. Mr. Lowry refuses to discuss the matter except to say that he is convinced no change is contemplated.

Mr. Enright, who was stated by Marshal Treat last spring, is slated to become one of the special agents to be appointed by the commissioner of revenue under the corporation tax law, and there is no doubt but that he will have one of the offices as soon as they are created. Mr. Enright now holds office under Revenue Agent Chapman, but the new office is much more remunerative, and he will accept it if it is tendered.

It is a known fact that influences are being brought to bear to secure the removal of Mr. Enright, and that the chief recommendation is in favor of the present officeholder is that the office, under his administration, has greatly advanced, as far as the asset of the government is concerned, and that its record ranks it as one of the foremost in the country.

Mr. Luce confirms the statement that there is no chance of his appointment, and they say he is holding out preference. The public is welcome.

METROPOLITAN GUARDS

New Military Organization Soon to Make Its Appearance Here.

The Metropolitan guards, an independent military organization, made up of boys from eighteen to twenty-one years of age, of which E. G. Tucker is captain, will make its appearance in the city. Although the title has been heard from it so far, the company has been organized for some time, having been aided by Joseph Bryan, who encouraged the association in every way possible.

Since the beginning the company has purchased several sets of uniforms and is now well equipped, having an armory of its own at 110 East Main street, which is being increased every meeting night. The company drills every Tuesday night, and all members are required to attend.

Arrangements have been made for an entertainment to be held February 13 for the purpose of raising funds for uniforms. The money to be raised is to be used for equipment that can be furnished.

TRI-STATE CONVENTION

Six Hundred Physicians to Meet in Richmond Next Week.

General health conditions in the South and the recent medical subjects to be discussed at the twelfth annual meeting of the Tri-State Medical Association, to be held in this city February 14 and 15.

Six hundred physicians, representing the flower of the medical profession in North and South Carolina and Virginia, and a number of distinguished scientists from the outside States, are expected to be present.

Since the transaction of routine business, there will be addresses by prominent scientists and discussions of various subjects. The program of the convention is as follows:

Monday, February 14, 1910. 8:30 a. m. Session of the Tri-State Medical Association. 10:30 a. m. Session of the Tri-State Medical Association. 2:30 p. m. Session of the Tri-State Medical Association. 4:30 p. m. Session of the Tri-State Medical Association.

Tuesday, February 15, 1910. 8:30 a. m. Session of the Tri-State Medical Association. 10:30 a. m. Session of the Tri-State Medical Association. 2:30 p. m. Session of the Tri-State Medical Association. 4:30 p. m. Session of the Tri-State Medical Association.

Wednesday, February 16, 1910. 8:30 a. m. Session of the Tri-State Medical Association. 10:30 a. m. Session of the Tri-State Medical Association. 2:30 p. m. Session of the Tri-State Medical Association. 4:30 p. m. Session of the Tri-State Medical Association.

Thursday, February 17, 1910. 8:30 a. m. Session of the Tri-State Medical Association. 10:30 a. m. Session of the Tri-State Medical Association. 2:30 p. m. Session of the Tri-State Medical Association. 4:30 p. m. Session of the Tri-State Medical Association.

Friday, February 18, 1910. 8:30 a. m. Session of the Tri-State Medical Association. 10:30 a. m. Session of the Tri-State Medical Association. 2:30 p. m. Session of the Tri-State Medical Association. 4:30 p. m. Session of the Tri-State Medical Association.

Saturday, February 19, 1910. 8:30 a. m. Session of the Tri-State Medical Association. 10:30 a. m. Session of the Tri-State Medical Association. 2:30 p. m. Session of the Tri-State Medical Association. 4:30 p. m. Session of the Tri-State Medical Association.

Sunday, February 20, 1910. 8:30 a. m. Session of the Tri-State Medical Association. 10:30 a. m. Session of the Tri-State Medical Association. 2:30 p. m. Session of the Tri-State Medical Association. 4:30 p. m. Session of the Tri-State Medical Association.

Monday, February 21, 1910. 8:30 a. m. Session of the Tri-State Medical Association. 10:30 a. m. Session of the Tri-State Medical Association. 2:30 p. m. Session of the Tri-State Medical Association. 4:30 p. m. Session of the Tri-State Medical Association.

Tuesday, February 22, 1910. 8:30 a. m. Session of the Tri-State Medical Association. 10:30 a. m. Session of the Tri-State Medical Association. 2:30 p. m. Session of the Tri-State Medical Association. 4:30 p. m. Session of the Tri-State Medical Association.

Wednesday, February 23, 1910. 8:30 a. m. Session of the Tri-State Medical Association. 10:30 a. m. Session of the Tri-State Medical Association. 2:30 p. m. Session of the Tri-State Medical Association. 4:30 p. m. Session of the Tri-State Medical Association.

Thursday, February 24, 1910. 8:30 a. m. Session of the Tri-State Medical Association. 10:30 a. m. Session of the Tri-State Medical Association. 2:30 p. m. Session of the Tri-State Medical Association. 4:30 p. m. Session of the Tri-State Medical Association.

Friday, February 25, 1910. 8:30 a. m. Session of the Tri-State Medical Association. 10:30 a. m. Session of the Tri-State Medical Association. 2:30 p. m. Session of the Tri-State Medical Association. 4:30 p. m. Session of the Tri-State Medical Association.

Saturday, February 26, 1910. 8:30 a. m. Session of the Tri-State Medical Association. 10:30 a. m. Session of the Tri-State Medical Association. 2:30 p. m. Session of the Tri-State Medical Association. 4:30 p. m. Session of the Tri-State Medical Association.

Sunday, February 27, 1910. 8:30 a. m. Session of the Tri-State Medical Association. 10:30 a. m. Session of the Tri-State Medical Association. 2:30 p. m. Session of the Tri-State Medical Association. 4:30 p. m. Session of the Tri-State Medical Association.

Monday, February 28, 1910. 8:30 a. m. Session of the Tri-State Medical Association. 10:30 a. m. Session of the Tri-State Medical Association. 2:30 p. m. Session of the Tri-State Medical Association. 4:30 p. m. Session of the Tri-State Medical Association.

Tuesday, March 1, 1910. 8:30 a. m. Session of the Tri-State Medical Association. 10:30 a. m. Session of the Tri-State Medical Association. 2:30 p. m. Session of the Tri-State Medical Association. 4:30 p. m. Session of the Tri-State Medical Association.



with the Arrow-Notch in place of the bothersome buttonhole 15c. each—2 for 25c.

Chett, Peabody & Co., Makers

ARROW CUFFS 25c. a Pair

Has Done for Modern Medical Science.

Dr. R. H. Hughes will speak on "Religious Press and Quackery."

RENEWS TWO LICENSES

Judge Witt Grants Right of Selling Liquor to Puccinelli and Kiewit. Judge Witt yesterday granted renewals of liquor licenses to Lipman Kiewit and Oreste Puccinelli. Kiewit has removed his place of business from 124 East Main Street to 4 North Eighteenth Street. Puccinelli has secured a renewal with the same location.

Architectural to the court. No action has been taken with reference to the saloons on Sixth Street, however, and no decision will be rendered until a hearing is held before Judge Witt. The court has renewed 145 licenses, and 130 outstanding, five are located in Sixth Street.

DR. CURRIER TO PREACH

Special Services at St. Peter's Church on Sunday Morning and Evening.

Rev. Charles Warren, D. D., of the Catholic Indian Mission, Washington, D. C., will preach two sermons at St. Peter's Church next Sunday—once at 10 o'clock and once at 8 o'clock.

Dr. Currier was formerly head of the mission band in the Baltimore area, and is now one of the two directors of the Catholic Indian Bureau at Washington. Dr. Currier is a priest of great power and eloquence, and has a large congregation.

At the Sabbath evening services at Beth Abrahah Synagogue this evening Dr. E. N. Callish will speak on the subject, "The Ark of the Covenant." To-morrow morning the subject of the sermon will be "The Ark of the Covenant." Services begin this evening at 8 o'clock, Saturday morning at 10 o'clock. The public is welcome.

Services at Beth Abrahah.

At the Sabbath evening services at Beth Abrahah Synagogue this evening Dr. E. N. Callish will speak on the subject, "The Ark of the Covenant." To-morrow morning the subject of the sermon will be "The Ark of the Covenant." Services begin this evening at 8 o'clock, Saturday morning at 10 o'clock. The public is welcome.

Sold Here for \$10.

Detective Kehon of Richmond, Pa., will take this city to-day with William Marshall, who is under indictment there for horse-stealing. Marshall is also being taken to the city by the police.

At the Sabbath evening services at Beth Abrahah Synagogue this evening Dr. E. N. Callish will speak on the subject, "The Ark of the Covenant." To-morrow morning the subject of the sermon will be "The Ark of the Covenant." Services begin this evening at 8 o'clock, Saturday morning at 10 o'clock. The public is welcome.

Circuit Court of Appeals.

The United States Circuit Court of Appeals reconvened yesterday morning at 10:30 o'clock with Chief Judge Goff and Pritchard and District Judges Boyd and Dayton in attendance.

The following cases were argued: Taylor Thompson trustee, etc., petitioner, vs. W. G. Dunnington, respondent, on petition for review from the District Court of the United States for the District of Columbia, argued by George Bryan and E. B. Thompson, of this city, for the petitioner, and by J. T. Coleman, of Lynchburg, for the respondent, and submitted.

Court adjourned until to-day at 10:30 o'clock.

Carried Concealed Razor.

Charles Hewitt was arrested yesterday, in the Second District, on a charge of carrying a concealed razor. He was taken to the Police Court to-day that the instrument has been used exclusively for private purposes, and that it has been many days since he tested the blade.

Building Permits.

Building permits were issued yesterday as follows: Licenses to erect a one-story brick dwelling on north side of Catherine Street between Graham and Gilmer, to cost \$450.

License to erect a one-story brick building, four dwellings, on the north side of Park Avenue between Allison and Addison Streets, to cost \$15,000.

Madison 664. The following players will compose the team: D. Nunnally, T. Jones, H. Du Val, N. Smith, L. Nunnally, H. Nunnally, C. Cook, W. Jewett, K. Kid. The team will start practicing in the next few weeks.

The Finance Committee unexpectedly did not meet last night. Messrs. Datram and Abbott and others were on hand, but found the Finance Committee had adjourned. He was seen getting off at Byrd Street Station with a grip in his hand about 9 o'clock.

J. D. Eggleston, Superintendent of Public Instruction, spoke last night in Swanboro at the Weatherford Memorial service for the late John Weatherford, who was a member of the Chesapeake and Ohio, one of the country's greatest railway systems, was evidenced by the fact that when President Weatherford died, he was over that road he so admired the skill of its engineer that he asked the Superintendent of the Chesapeake and Ohio, who happened to be on the train, and who was later appointed by General Grant one of four United States commissioners to visit the Nile and report on its hydraulic works, in the interest of the Eads system, in Mississippi, and restored the Chesapeake and Ohio canal, and identified with the James River and Kanawha Canal, and was superintendent of the James River Improvement for several years, and rendered valuable service to his country in his greatest need, which was when his love for it and his devoted family, all made strong his character, and intensified our love for him, who, having been severely injured, died at the age of seventy and ten, to aid in the affairs of the church militant, was ready to respond to the summons of the church triumphant, which he did with a loving farewell to his family in his last few moments.

To the memory of Colonel Whitcomb left a beautiful legacy in his work of copying in his own neat and legible handwriting, as a labor of love, the proceedings of the Monumental and the subsequent proceedings of All Saints' vestry and congregation for nearly fifteen years. Into a few books covering nearly 100 pages thereof, equal to over 200 pages of ordinary size, and this when he was not far from eighty years of age. We should thank God for his loyal life and example. Our tenderest sympathies are hereby conveyed to his bereaved family, with the prayer for the "peace of God which passeth man's understanding."

OBITUARY

Funeral of Mr. Arndt.

The funeral of Henry C. Arndt, who died Wednesday at his residence, 1115 Brook Road, will take place this afternoon at 3 o'clock from the residence of his son-in-law, W. F. Rupp, 1115 Brook Road. The interment will be made in Oakwood Cemetery.

Funeral of Miss Margaret Petrochelli. The funeral of Miss Margaret Petrochelli, who died Wednesday at her residence, 622 North Fourth Street, will take place this afternoon at 3 o'clock from the residence of her father, Mr. J. H. Petrochelli, 622 North Fourth Street. The interment will be made in St. Peter's Church at 12 o'clock.

James A. Chapman.

(Special to The Times-Dispatch.) James A. Chapman, 62 years old, of Charlottesville, Va., February 10.—James A. Chapman, a well-known farmer of Albemarle County, dropped

dead this morning while on a visit to relatives at Griggsville, Madison County. He was sixty-three years of age and unmarried. He was a native of Albemarle County, the son of the late James E. Chapman, of Free Union. One sister survives, Miss Lucy Chapman, of Amicus, Greene County.

(Special to The Times-Dispatch.) Helen Ferrell. (Special to The Times-Dispatch.) Dr. Thomas Albert Proctor.

(Special to The Times-Dispatch.) Dr. Thomas Albert Proctor died at his home near Drakes Branch, on Wednesday, in the eighty-first year of age. He was a graduate of medicine and surgery of the University of Virginia, and also of the University of Pennsylvania, and served as surgeon in the Confederate army during the entire Civil War, first with the Forty-first Virginia and later with the Third Georgia Regiments.

He is survived by eight children, six sons and two daughters, and numerous grandchildren. His children are: Lewis S. Proctor, of Drakes Branch; Proctor, of Shenandoah, Tenn.; Mrs. W. T. Bryan, J. Proctor, of Drakes Branch; Proctor, of Drakes Branch, Va.; also, by two sisters, Mrs. Della Proctor, of Drakes Branch, and Mrs. Alice Proctor, of Shenandoah County, Va. Proctor, of Shenandoah